

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

John Doe¹,

Plaintiff,

v.

Civil Action No. 1:22-cv-_____

Town of Lisbon and
New Hampshire
Department Of Justice,

Defendants.

**DEFENDANT TOWN OF LISBON'S NOTICE OF REMOVAL
AND DEMAND FOR JURY TRIAL**

Please take notice that pursuant to 28 U.S.C. §§1441 and 1446, Defendant Town of Lisbon ("Defendant"), by its attorneys, Jackson Lewis P.C. and Mitchell Municipal Group, P.A., hereby removes this action from the Superior Court of the State of New Hampshire, Grafton County, to the United States District Court for the District of New Hampshire.

In support of this Notice of Removal, Defendant states as follows:

1. By Complaint filed on or about January 19, 2022, Plaintiff instituted a claim of violation of due process against Defendants in the Grafton County Superior Court. In accordance with 28 U.S.C. § 1446(a), true and correct copies of the Summons and Complaint are attached hereto as Exhibit 1 and 2, certified copies of which will be forwarded upon receipt of the state court record from the Grafton County Superior Court.

¹ John Doe is a pseudonym.

2. Pursuant to 28 U.S.C. § 1446(a), this notice of removal is timely filed within thirty (30) days of February 1, 2022, the date when Plaintiff first notified Defendant Town of Lisbon about the filing of his complaint.

3. Defendant Town of Lisbon have not served any answer or responsive pleading to the Complaint, nor made any appearance or argument before the state court.

4. On information and belief, Defendant New Hampshire Department of Justice has not been served with the Complaint, served any answer or responsive pleading to the Complaint, nor made any appearance or argument before the state court.

5. This Court has original jurisdiction over this action by virtue of federal question jurisdiction pursuant to 28 U.S.C. §1331. Specifically, Plaintiff is alleging violations of procedural due process under the 5th Amendment to the United States Constitution, the 14th Amendment to the United States Constitution, and 42 U.S.C. §1983, as well as various claims pursuant to state law.

6. Defendant submits this Notice without waiving any defenses to the claims asserted by Plaintiff or conceding that Plaintiff has pled claims upon which relief can be granted.

7. As this action could have been commenced in this Court, removal is proper. 28 U.S.C. §1441(a). Furthermore, this Court may exercise supplemental jurisdiction over the Plaintiff's state law claims. See 28 U.S.C. §1367(a).

Respectfully submitted,
Town of Lisbon,
By its attorneys,
Jackson Lewis P.C.

Dated: February 2, 2022

By: /s/ Debra Weiss Ford
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Samuel Martin, NH Bar #272195
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AND

MITCHELL MUNICIPAL GROUP, P.A.

Dated: February 2, 2022

By: /s/ Naomi N. Butterfield
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naomi@mittchellmunicipalgroup.com

CERTIFICATE OF SERVICE

I hereby certify that on this date I provided a true and exact copy of this pleading to Christopher Meier, Plaintiff's counsel of record, and Amanda Palmiera, counsel for Defendant New Hampshire Department of Justice, via electronic mail and via the Court's ECF system.

Dated: February 2, 2022

/s/ Debra Weiss Ford
Debra Weiss Ford